

AMENDMENTS TO LB 27

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 68-901, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 68-901 Sections 68-901 to 68-956 and sections 2 to 6 of
6 this act shall be known and may be cited as the Medical Assistance
7 Act.

8 Sec. 2. Section 85-1,138, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 ~~85-1,138~~ Sections ~~85-1,138~~ to 85-1,142 2 to 6 of this act
11 shall be known and may be cited as the Autism Treatment Program
12 Act.

13 Sec. 3. Section 85-1,139, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 ~~85-1,139~~ The ~~purposes~~ purpose of the Autism Treatment
16 Program Act ~~are~~ is to ~~(1) create the Autism Treatment Program~~
17 ~~administered by the Center for Autism Spectrum Disorders at the~~
18 ~~University of Nebraska Medical Center and (2) provide for the~~
19 ~~development~~ and administration of a waiver or an amendment to an
20 existing waiver under the medical assistance program established in
21 section 68-903.

22 Sec. 4. Section 85-1,140, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 ~~85-1,140~~ The Autism Treatment Program is created. The
2 program shall be administered by the department. Center for
3 Autism Spectrum Disorders at the University of Nebraska Medical
4 Center. The program shall provide or coordinate the provision of
5 statewide intensive early intervention services based on behavioral
6 principles for children with a medical diagnosis of an autism
7 spectrum disorder or an educational verification of autism. The
8 program shall utilize private funds and funds transferred by the
9 Legislature from the Nebraska Health Care Cash Fund to the Autism
10 Treatment Program Cash Fund. Transfers from the Nebraska Health
11 Care Cash Fund in any fiscal year shall be contingent upon the
12 receipt of private matching funds for such program, with no less
13 than one dollar of private funds received for every two dollars
14 transferred from the Nebraska Health Care Cash Fund. Transfers
15 from the Nebraska Health Care Cash Fund under this section and
16 section 71-7611 shall be utilized as the state match for the
17 waiver established under section ~~85-1,142~~ upon the approval of such
18 waiver.

19 Sec. 5. Section 85-1,141, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 ~~85-1,141~~ (1) The Autism Treatment Program Cash Fund
22 is created. The fund shall include revenue transferred from the
23 Nebraska Health Care Cash Fund and revenue received from gifts,
24 grants, bequests, donations, other similar donation arrangements,
25 or other contributions from public or private sources. The Autism
26 Treatment Program Cash Fund shall be administered by the Center
27 for Autism Spectrum Disorders at the University of Nebraska Medical

1 Center for purposes of the Autism Treatment Program created in
2 ~~section 85-1,140.~~ The department shall administer the fund. The
3 Autism Treatment Program Cash Fund shall be used as the state's
4 matching share for the waiver established under section 6 of this
5 act and for expenses incurred in the administration of the Autism
6 Treatment Program. Any money in the fund available for investment
7 shall be invested by the state investment officer pursuant to
8 the Nebraska Capital Expansion Act and the Nebraska State Funds
9 Investment Act.

10 (2) The program shall utilize private funds deposited in
11 the Autism Treatment Program Cash Fund and funds transferred by the
12 Legislature from the Nebraska Health Care Cash Fund to the Autism
13 Treatment Program Cash Fund. Transfers from the Nebraska Health
14 Care Cash Fund in any fiscal year shall be contingent upon the
15 receipt of private matching funds for such program, with no less
16 than one dollar of private funds received for every two dollars
17 transferred from the Nebraska Health Care Cash Fund. No donations
18 from a provider of services under Title XIX of the federal Social
19 Security Act shall be deposited into the Autism Treatment Program
20 Cash Fund.

21 Sec. 6. Section 85-1,142, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 ~~85-1,142~~ (1) The Department of Health and Human Services
24 department shall apply for a waiver or an amendment to an
25 existing waiver under the medical assistance program established
26 in section 68-903 for the purpose of providing medical assistance
27 for intensive early intervention services based on behavioral

1 principles for children with a medical diagnosis of an autism
2 spectrum disorder or an educational verification of autism. Such
3 waiver shall not be construed to create an entitlement to services
4 provided under such waiver.

5 (2) It is the intent of the Legislature that such
6 waiver (a) require means testing for and cost-sharing by recipient
7 families, (b) limit eligibility only to children for whom such
8 services have been initiated prior to the age of nine years,
9 (c) limit the number of children served according to available
10 funding, (d) require demonstrated progress toward the attainment
11 of treatment goals as a condition for continued receipt of medical
12 assistance benefits for such treatment, (e) be developed in
13 consultation with the Health and Human Services Committee of
14 the Legislature and the federal Centers for Medicare and Medicaid
15 Services and with the input of parents and families of children
16 with autism spectrum disorders and organizations advocating on
17 behalf of such persons, and (f) be submitted to the federal Centers
18 for Medicare and Medicaid Services as soon as practicable, but no
19 later than ~~July 1, 2008.~~ September 1, 2009.

20 Sec. 7. Section 71-7611, Revised Statutes Cumulative
21 Supplement, 2008, is amended to read:

22 71-7611 (1) The Nebraska Health Care Cash Fund is
23 created. The State Treasurer shall transfer (a) fifty-six million
24 four hundred thousand dollars no later than July 30, 2008, and
25 (b) fifty-five million seven hundred thousand dollars annually
26 thereafter no later than July 15 from the Nebraska Medicaid
27 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement

1 Trust Fund to the Nebraska Health Care Cash Fund, except that such
2 amount shall be reduced by the amount of the unobligated balance
3 in the Nebraska Health Care Cash Fund at the time the transfer is
4 made. On or before May 1, 2008, the State Treasurer shall transfer
5 from the Nebraska Medicaid Intergovernmental Trust Fund and the
6 Nebraska Tobacco Settlement Trust Fund an additional two hundred
7 fifty thousand dollars to the Nebraska Health Care Cash Fund.
8 The state investment officer upon consultation with the Nebraska
9 Investment Council shall advise the State Treasurer on the amounts
10 to be transferred from the Nebraska Medicaid Intergovernmental
11 Trust Fund and from the Nebraska Tobacco Settlement Trust
12 Fund under this section in order to sustain such transfers in
13 perpetuity. The state investment officer shall report to the
14 Legislature on or before October 1 of every even-numbered year on
15 the sustainability of such transfers. Except as otherwise provided
16 by law, no more than the amount specified in subdivisions (1)(a)
17 and (b) of this subsection may be appropriated or transferred from
18 the Nebraska Health Care Cash Fund in any fiscal year.

19 (2) Any money in the Nebraska Health Care Cash Fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act.

23 (3) One million dollars in the Nebraska Health Care Cash
24 Fund ~~is designated~~ shall be transferred each year for to the Autism
25 Treatment Program Act Cash Fund for five fiscal years beginning
26 ~~in fiscal year 2007-08~~ on a date determined by the Department of
27 Health and Human Services but no later than ninety days after a

1 waiver under section 6 of this act has been approved and shall be
2 distributed with matching private funds from the Autism Treatment
3 Program Cash Fund and matching funds from Title XIX of the federal
4 Social Security Act in each fiscal year as follows: (a) First, to
5 the Department of Health and Human Services for costs related to
6 application, and implementation, and administration of the a waiver
7 pursuant to section 6 of this act; (b) second, to the department
8 for other medical costs for children who would not otherwise
9 qualify for medicaid except for the waiver; and (c) third, the
10 balance to fund services pursuant to the waiver. ~~the Autism~~
11 ~~Treatment Program Cash Fund. The State Treasurer shall transfer the~~
12 ~~balance of the funding to the Autism Treatment Program Cash Fund~~
13 ~~based on the estimated costs of administrative and other medical~~
14 ~~costs as determined by the Legislature through the appropriation~~
15 ~~process. The transfers to the Autism Treatment Program Cash Fund~~
16 ~~in any fiscal year shall be contingent upon the receipt of private~~
17 ~~matching funds under the Autism Treatment Program Act, with no less~~
18 ~~than one dollar of private funds received for every two dollars~~
19 ~~transferred from the Nebraska Health Care Cash Fund to the Autism~~
20 ~~Treatment Program Cash Fund.~~

21 (4) The University of Nebraska and postsecondary
22 educational institutions having colleges of medicine in Nebraska
23 and their affiliated research hospitals in Nebraska, as a condition
24 of receiving any funds appropriated or transferred from the
25 Nebraska Health Care Cash Fund, shall not discriminate against any
26 person on the basis of sexual orientation.

27 (5) The State Treasurer shall transfer two hundred

1 thousand dollars from the Nebraska Health Care Cash Fund to the
2 University of Nebraska Medical Center Cash Fund for the Nebraska
3 Regional Poison Center within fifteen days after each July 1.

4 Sec. 8. Original sections 85-1,138, 85-1,139, 85-1,140,
5 85-1,141, and 85-1,142, Reissue Revised Statutes of Nebraska,
6 and sections 68-901 and 71-7611, Revised Statutes Cumulative
7 Supplement, 2008, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect
9 when passed and approved according to law.